

State and Local Government

PUBLIC 484 **An Act to Amend the Definition of "Governmental Unit" as It** **LD 1856**
Relates to the Maine Municipal Bond Bank Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN FERGUSON	OTP	

Public Law 2001, chapter 484 amends the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects.

PUBLIC 489 **An Act to Authorize the Formation of Regional County Corrections** **LD 1853**
EMERGENCY **Authorities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALLEVEY JODREY	OTP-AM MAJ ONTP MIN	S-410

Public Law 2001, chapter 489 authorizes the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. The law requires that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Public Law 2001, chapter 489 was enacted as an emergency measure effective February 21, 2002.

PUBLIC 495 **An Act to Reduce Unnecessary Paperwork in State Government** **LD 1118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY TURNER	OTP-AM	H-790

Public Law 2001, chapter 495 amends the State Government Evaluation Act in an effort to identify areas where paperwork reduction may be needed. Chapter 495 requires that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also specifies that, in conducting its analysis and developing its recommendations, a committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public.

PUBLIC 499 **An Act to Assist Municipalities of Sagadahoc County with the** **LD 1967**
EMERGENCY **Change in the County Budget Year**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL PEAVEY	OTP-AM	S-417 S-440 SMALL

Public Law 2001, chapter 499 authorizes Sagadahoc County to borrow money by issuing bonds or notes in anticipation of taxes to fund transitional budgets authorized for that county to implement the new county fiscal year. The total face amount of bonds or notes may not exceed 80% of the taxes anticipated from the transitional budgets. Municipalities are authorized to spread payment to the county of their portion of the transitional budget over a period from one to 5 years and are required to make their payment of their annual share of the transitional budget at the same time they pay their share of the current year's county budget. A municipality not paying its full share of the transitional budget in 2002 is required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality.

Public Law 2001, chapter 499 was enacted as an emergency measure effective March 5, 2002.

PUBLIC 503 An Act to Restructure the Advisory Council on Tax-deferred Arrangements LD 2011

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BENNETT	OTP-AM	H-800

Public Law 2001, chapter 503 increases the membership of the Advisory Council on Tax-deferred Arrangements from 6 to 10 by increasing the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council is not affected by the increase in MSEA representation.

PUBLIC 504 An Act to Modify the Time of Constituent Service Allowance Payments LD 1941

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH DAGGETT	OTP-AM	H-802

Public Law 2001, chapter 504 changes when Legislators receive the 1st of the 2 payments of the annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session—December in the 1st year of a biennium and January in the 2nd year. Chapter 504 sets the first payment for constituent services for January of each session. The law allows a Legislator to obtain the first payment in December of the first year of the biennium upon request to the Executive Director of the Legislative Council. The executive director is required to notify Legislators of the payment choice available to them and of the tax consequences of exercising the choice.

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PUBLIC 521 An Act to Allow Municipalities to Create Capital Improvement LD 562 **Districts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-822

Public Law 2001, chapter 521 authorizes municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. The law details the series of public hearings and capital improvement district and municipal referenda that must be conducted to implement a capital improvement district.

PUBLIC 525 An Act to Waive the Competitive Bid Requirement for Lease of LD 1875 **Certain Unused State Facilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM MAJ ONTP MIN	S-431

Public Law 2001, chapter 525 allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids in certain circumstances. Chapter 525 provides that, for a facility of 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the facility is less than 2,500 square feet in size. For a facility between 5,000 and 40,000 square feet, the State may lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State is limited to leasing 20,000 square feet of space per facility without competitive bidding regardless of how much is unused. The current restriction that the work performed by the lessee must be compatible with that of the agency in the facility continues to apply.

PUBLIC 537 An Act to Clarify Municipal Reapportionment Authority LD 1943

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-850

Public Law 2001, chapter 537 amends the law governing reapportionment of municipal voting districts following completion of each decennial census. Under chapter 537, municipalities have up to 12 months following reapportionment of House and Senate districts to reapportion municipal districts thereby allowing municipalities

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to utilize state legislative district lines in reapportioning their voting districts. The law clarifies that when an ordinance is not adopted at least 90 days before a regular election held within that 12-month period, the old apportionment ordinance is used for that election. The law also clarifies that if a municipality fails to adopt a reapportionment ordinance within the 12-month period or if it does so but not more than 90 days before an election occurring after 12 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

PUBLIC 586 An Act to Provide Full Utility of Retired School Buildings LD 2114
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-940
CATHCART		

Public Law 2001, chapter 586 clarifies current law that allows a municipality to use a school building transferred to it by a school board for municipal purposes.

Public Law 2001, chapter 586 was enacted as an emergency measure effective April 1, 2002.

PUBLIC 597 An Act to Implement the Recommendations of the Joint Standing LD 2177
Committee on State and Local Government Pursuant to Reviews
Conducted under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2001, chapter 597 implements the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill amends the scheduling guidelines for the committee's future reviews of State Government agencies.

PUBLIC 606 An Act to Allow the Department of Administrative and Financial LD 1865
Services, Bureau of General Services to Make Direct Selection of
Architects, Engineers and Other Professionals Whose Services Do
Not Exceed \$25,000 in Value

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-826
PENDLETON		

Public Law 2001, chapter 606 authorizes the Department of Administrative and Financial Services, Bureau of General Services to contract for architectural, engineering or other professional services on public improvement

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projects without advertising or competitive selection if the cost of the services is less than \$25,000. The law establishes a process for establishment of a list of individuals qualified to provide engineering, architectural and other professional services from which the bureau would select for the planning, design and monitoring of public improvement projects. Chapter 606 also establishes an appeal process for those not selected for placement on the list.

PUBLIC 607 An Act to Give the Department of Administrative and Financial LD 1874
Services, Bureau of General Services Discretion Regarding Building
Codes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM	S-432

Public Law 2001, chapter 607 allows the Department of Administrative and Financial Services, Bureau of General Services to adopt the most recent version of specified national or international building codes to be used in the design of public improvements construction projects in this State. The law also gives the bureau discretion to adopt specified portions of those building codes when only part of the codes are applicable to public improvement projects in Maine.

PUBLIC 615 An Act to Require Appropriate Public Notice of a State Building LD 2067
Project

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM MAJ ONTP MIN	S-448 S-497 DAGGETT

Public Law 2001, chapter 615 provides that if a proposed state public improvement project for new construction is not reviewed by the municipal in which it is located, the agency responsible for the new construction must provide public notice of the project. Notice must be provided in the same manner as required by municipal ordinance for similar projects, in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete.

PUBLIC 643 An Act to Create the Office of Maine-Canada Trade Ombudsman LD 2008

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ OTP-AM MIN	H-791 H-809 SHERMAN

Public Law 2001, chapter 643 establishes a Maine-Canada Trade Ombudsman. The Governor appoints the Maine-Canada Trade Ombudsman, subject to review by the joint standing committee of the Legislature having

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jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman will provide advice to the Governor and state agencies regarding commerce and other relations with individuals, businesses and governmental entities in Canada and represent the State at the national level for trade matters between the United States and Canada that involve Maine.

The central function of the Maine-Canada Trade Ombudsman is to answer inquiries from Maine citizens and businesses and investigate, advise and work toward resolution of complaints that arise concerning trade issues with Canada. Under the law, the ombudsman is given the authority to negotiate on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

PUBLIC 702 An Act to Create the Office of Program Evaluation and LD 2193
Government Accountability

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1039
		S-595 PENDLETON

Public Law 2001, chapter 702 establishes the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds by public and private entities in the State. The bill describes the duties of the Government Oversight Committee, which will be established in Legislative rules, and of the office. It authorizes the Government Oversight Committee to oversee the operations of the office. It describes the duties and powers of the director and the office. The law also describes the manner in which program evaluations are to be conducted by the office and the manner in which reports are to be released to the committee and to the public. The law authorizes the committee to report out legislation based on evaluation reports submitted to it by the office. Under chapter 702 of Public Law 2001, the director would be hired on or after April 1, 2003 and other employees of the office would be hired on or after July 1, 2003.

Under the law, the Legislative Council appoints by an affirmative vote of at least 8 members the Director of the Office of Program Evaluation and Government Accountability. The Government Oversight Committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed. The law requires that money appropriated or allocated to the office must be expended in the discretion of the director and the Government Oversight Committee that oversees the work of the office only.

Finally, the law provides that prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

P & S 50 An Act to Amend the Laws Governing the Washington County LD 1993

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EMERGENCY Emergency Medical Services Authority

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ OMTP MIN	H-792

Private and Special Law 2001, chapter 50 expands the service area of the Washington County Emergency Medical Services Authority. It adds one member from the Passamaquoddy Tribe to the board of directors of the authority and establishes the appointing authority for that member. The Act also allows appointing authorities to appoint alternate members to the board of directors and authorizes those alternate members to vote in the absence of the appointed member. The law also allows the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, it allows the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Private and Special Law 2001, chapter 50 was enacted as an emergency measure effective February 28, 2002.

P & S 59 An Act to Permit the Town of Atkinson to Deorganize LD 1909

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P ANNIS	OTP-AM MAJ ONTP MIN	S-437

Private and Special Law 2001, chapter 59 allows the Town of Atkinson to deorganize providing that the voters of the town approve the deorganization proposal at the general election in November 2002. If voters approve the referendum, the effective date of the deroganzation will be July 1, 2003.

P & S 62 An Act to Separate Territory from the Town of Falmouth and LD 1586 EMERGENCY Annex it to the City of Portland

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON DAVIS G	OTP-AM	S-416

Private and Special Law 2001, chapter 62 separates a parcel of property from the Town of Falmouth and annexes it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services such as sewer lines, water lines and roads from the Town of Falmouth.

Private and Special Law 2001, chapter 62 was enacted as an emergency measure effective April 2, 2002.

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P & S 63 An Act to Amend the Boundaries Between Ripley and St. Albans LD 1926

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEDMAN	OTP-AM	H-825

Private and Special Law 2001, chapter 63 restores the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

P & S 69 An Act to Dissolve the Ministerial Accounts in the Town of LD 1860
Readfield's Trust Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP MAJ	
	ONTP MIN	

Private and Special Law 2001, chapter 69 authorizes the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. The use of the funds for this purpose was approved by the voters of the Town of Readfield at the annual town meeting in June 2001.

RESOLVE 70 Resolve, to Validate the Assessment, Commitment and Tax LD 1854
EMERGENCY Collection of the Town of Wells for the Fiscal Year 2001

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP	
COLLINS		

Resolve 2001, chapter 70 corrects an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials and remedies any failure to comply with the statutory requirement governing oaths of office. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn by the moderator in open town meeting by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge.

Resolve 2001, chapter 70 was enacted as an emergency measure effective January 15, 2002.

RESOLVE 75 Resolve, Authorizing the Director of the Bureau of Parks and LandsLD 1952
within the Department of Conservation to Convey a Crossing
Easement

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH MARTIN	OTP-AM	H-804

Resolve 2001, chapter 75 grants Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. This will permit Irving Woodlands, LLC, to complete assembly of a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid using public roads and increase economic activity at the siding. The abandoned railroad corridor will be crossed at a site approximately one mile from Van Buren.

RESOLVE 76 Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 LD 1876

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT PENDLETON	OTP-AM	S-414

Resolve 2001, chapter 76 extends the time frame from September of 2002 to June of 2005 during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta.

RESOLVE 95 Resolve, Authorizing the Commissioner of Administrative and Financial Services Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland LD 1878

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM	S-482

Resolve 2001, chapter 95 authorizes the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center in South Portland. The resolve limits to 50 years the term of the lease of any state property at the Center.

RESOLVE 105 Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine LD 2134

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1030

Resolve 2001, chapter 105 resulted from a committee bill from the Joint Standing Committee on State and Local Government. The resolve authorizes the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve is repealed 3 years from its effective date.

**RESOLVE 110 Resolve, to Develop a Living Memorial in Capitol Park in Honor of LD 1991
the Victims and Heroes of the September 11, 2001 Tragedy**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-801
EDMONDS		S-544 GOLDTHWAIT

Resolve 2001, chapter 110 directs the State House and Capitol Park Commission to study and report to the First Regular Session of the 121st Legislature on the establishment of a memorial to the victims and heroes of the September 11, 2001 tragedy. In conducting the study, the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of walkways.

**RESOLVE 113 Resolve, to Recognize Veterans of World War II and the Korean LD 2046
War in the State House Hall of Flags**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-449
BERRY R		S-543 GOLDTHWAIT

Resolve 2001, chapter 113 establishes a commission to arrange for the display of plaques and flags in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War.